

**REMARKS**

**I. The Rejection Based on the '627 Reference**

Claims 1-11, and 14-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the '627 Reference.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the '627 Reference further in view of Mori (Japanese Patent Application Publication Number 10-170921).

The Examiner states that the '627 Reference teaches that the polarizing plate is applied to the other side of the glass substrate to form the polarizing element after the photoreactive material has been applied to the other side of the glass substrate.

An issue appears to be the Examiner's position that the selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. And the Examiner's allegation that the '627 Reference teaches nearly the identical method claimed, but with a different order of performing the steps comprising the method.

Applicants respectfully traverse the Examiner's positions. The '627 Reference teaches

Producing an optically anisotropic element by applying the liquid crystal composition onto an orientation layer to form a liquid crystal layer. [0206];

Orientation of the liquid crystal molecules by heating the liquid crystal layer on the orientation layer. [0207];

The orientation layer contains an alignment promoter that may be a photosensitive group. [0079] and [0208];

For controlling the alignment, the light is applied onto the liquid crystal

layer as mono-directionally as possible. The term "mono-directionally" means that the direction of light projecting onto the plane of the liquid crystal layer is kept unitary. The light may be applied horizontally or vertically to the plane. [0210]; and

The liquid crystal molecules are preferably fixed while the alignment is maintained. The liquid crystal molecules are fixed preferably by a polymerization reaction of the polymerizable groups. [0212].

As noted by the Examiner, the optically anisotropic element formed can be used with a polarizing element [0004].

Applicants' respectfully disagree with the Examiner's conclusion that the only difference between the process steps of the '627 Reference and the instant claims is the order of the steps. Applicants' also respectfully disagree with the Examiner that the '627 Reference teaches nearly the identical method claimed but with a different order of performing the steps comprising the method.

In the '627 the polarizing element is added after the optically anisotropic element is formed. Therefore, even if light is irradiated onto the optically anisotropic element via the polarizing element, the optically anisotropic element is already made and no further anisotropy is provided to the film. Further, after the optically anisotropic element is formed, it does not contain photoreactive material.

That is, the claimed step of “irradiating the film containing the photoreactive material with light, through the polarizing element so as to provide an anisotropy to the film containing the photoreactive material” is not performed in the method steps of the ‘627 Reference. The Examiner is ignoring said step and the steps of the ‘627 Reference are not the same as claimed by Applicants, no matter if the order of the steps in the ‘627 Reference is changed.

As to the rejection of claims 12 and 13 based on Mori, the secondary reference does not overcome the deficiencies in the primary reference ‘627 discussed above.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-20 is neither taught by nor made obvious from the disclosures of ‘627, alone or in view of Mori, and it is requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## **II. Conclusion**

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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